



IFW

Docket No.: 242818US41

OBLON
SPIVAK
McCLELLAND
MAIER
NEUSTADT
P.C.

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/662,510

Applicants: Gael BOUCHY, et al.

Filing Date: September 16, 2003

For: TENSION DECOUPLER DEVICE

Group Art Unit: 3679

Examiner: Gregory John Binda

SIR:

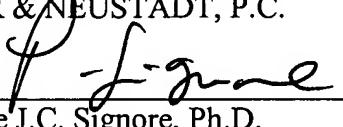
Attached hereto for filing are the following papers:

Provisional Election of Species

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Philippe J.C. Signore, Ph.D.

Registration No. 43,922

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

DOCKET NO: 242818US6



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Gael BOUCHY, et al. : GROUP: 3679

SERIAL NO: 10/662,510 : EXAMINER: Gregory John Binda

FILED: September 16, 2003 :

FOR: TENSION DECOUPLER DEVICE

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement dated February 23, 2005,

Applicants provisionally elect with traverse Species I, drawn to Fig. 5, and lists Claims 1-6, 8 and 10-18 as readable thereon and Claim 1 as generic.¹ Applicants are entitled to consideration of claims, directed to additional non-elected species, which include the limitations of an allowable generic claim, as provided by 37 C.F.R. 1.141(a).

The Election of Species Requirement includes the conclusory statement that "[t]his application contains claims directed to ... patentably distinct species ..." and lists three species. However, the Election of Species Requirement fails to state any basis in support of the finding that the three species are patentably distinct. This is contrary to MPEP §816, which states:

The particular reasons relied on by the examiner for holding the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given...

¹See the Election of Species Requirement at page 2, line 5, also identifying Claim 1 as generic.

Provisional Election of Species
Serial No. 10/662,510

In the absence of any annunciated basis, it is respectfully submitted that the Election of Species Requirement fails to establish distinctness.

Therefore, Applicants respectfully request that the requirement to elect a single disclosed species be reconsidered and withdrawn,² and that a full examination on the merits of Claims 1-18 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Philippe J. C. Signore, Ph.D.
Registration No. 43,922

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

²See MPEP 821.01.